

BILL: SB 1363 (Allen, D-Santa Monica)

SUBJECT: SB 1363 would require that metropolitan planning organizations meet vehicle miles traveled reduction targets as part of the regional transportation plan.

STATUS: Pending in Senate Transportation Committee
Introduced February 21, 2020

SUMMARY AS OF APRIL 1, 2020:

SB 1363 (Allen, D-Santa Monica) is a continuation of the author's previous efforts to expand upon SB 375's (Chapter 728, Statutes of 2008) requirements for each metropolitan planning organization (MPO) to adopt a regional transportation plan (RTP) that includes a sustainable communities strategy (SCS) that seeks to meet regional greenhouse gas (GHG) emission reduction targets for 2020 and 2035. The author's initial bill on the subject was SB 150 (Chapter 646, Statutes of 2017), which required the California Air Resources Board (CARB) to issue a report every four years assessing each MPOs' progress in meeting the GHG emission reduction goals outlined in SB 375. Based on the findings of the first SB 150 report, the author introduced legislation last year, SB 526 (Allen, D-Santa Monica), which would have required MPOs to report on vehicle miles traveled (VMT) reductions achieved as part of the strategies implemented under the SCS and required the CARB to complete progress reports to determine if each MPO was on track to meeting its respective GHG emission reduction targets. In addition, the bill would have established a state working group to develop strategies to further reduce regional GHG emissions, including the identification of an investment strategy. The Orange County Transportation Authority (OCTA), along with the California Association of Councils of Government, opposed the bill. The author ultimately held the bill, with a pledge to work on issues brought forward by the opposition.

SB 1363 is an effort to more specifically address the policy issues targeted by SB 526. The bill would require that MPOs meet VMT reduction targets in conjunction with SB 375's GHG emission reduction targets. The bill requires that MPOs meet GHG and VMT reduction targets in 2035, 2045, and 2050. Whereas the initial GHG targets for 2020 and 2035 were developed with public input, the new GHG emission and VMT reduction targets would be set by CARB, without any public input process. As defined in the bill, the VMT reduction targets may be expressed in miles per capita, percent reduction, or another metric set by CARB. SB 1363 also requires that MPOs submit to CARB a draft SCS at least 60 days before the MPO adopts the SCS. In conjunction with the draft SCS, the bill would require that the MPO also submit its forecasted development pattern and transportation projects, as supported by measurable local and regional funding. Finally, the bill requires that cities and counties report every other year to the MPO on housing production near transportation investments consistent with the SCS or applicable alternative planning strategy.

EFFECTS ON ORANGE COUNTY:

The Southern California Association of Governments (SCAG) develops the regional transportation plan (RTP) for a six-county area, which includes Orange County, every four years. The RTP outlines the region's transportation planning objectives for at least a 20-year period. OCTA develops a long-range transportation plan to detail transportation planning priorities in Orange County, which are integrated into SCAG's RTP. In 2008, SB 375 required the development of the SCS as a new element of the RTP. The SCS serves as the region's plan for reducing regional GHG by better integrating transportation, land use, and planning decisions. The SCS must demonstrate the region's ability to meet GHG emission reduction targets, set by CARB, by 2020 and 2035. SB 375 provided a carve-out for the SCAG region that recognizes the unique role of county transportation commissions in planning, programming, and selecting transportation projects for funding. In the SCAG region, county transportation commissions and subregional council of governments may jointly elect to do a subregional SCS, to be integrated into SCAG's regional SCS. In 2012, OCTA and the Orange County Council of Governments were one of two subregions within the SCAG region to elect to do a subregional SCS.

The intent behind SB 375 was to allow a bottoms-up planning approach that maintained maximum flexibility for regions to develop an SCS that met the region's specific needs, recognizing the differences in regional geographic, demographic, and funding requirements while reflecting the fact that transportation agencies do not have control over land use decisions. SB 1363 would add new VMT reduction requirements to the SCS development process in a way that is inconsistent with SB 375's bottoms-up approach, and the bill's original intent to focus on reductions of GHG emissions.

SB 1363 extends SB 375's GHG targets beyond the original dates, now requiring that both VMT and GHG reduction targets be met in 2035, 2045, and 2050. OCTA is specifically concerned that regions must meet the GHG and VMT targets in 2045 and 2050. Requiring targets this close together overburdens the SCS development process since there is not likely to be a measurable reduction in either metric in a period of just five years, especially since MPOs and subregions are forecasting the long-term impacts of GHG and VMT reduction strategies over the next two decades. Any differences over a five-year period that far into the forecast window are more likely to be a result of modeling variances and not meaningful GHG or VMT reduction. OCTA recommends that the bill be amended to set GHG and VMT targets for years 2030 and 2050, streamlining the effectiveness of the SCS in meeting SB 375's goals. This suggestion would also create a more regular target period of every 15 years after SB 375's enactment date.

SB 1363 also fails to ensure adequate engagement from MPOs and subregional agencies in the development of the new GHG emission reduction or VMT targets. As drafted, the bill fails to respect the SB 375's bottoms-up approach to the development of GHG reduction targets. Under current law, public workshops allow for stakeholder input on the GHG targets before they are finalized by CARB. Unfortunately, the bill does not include a similar input mechanism in the development of VMT targets. SB 1363 would create a top-down approach by giving CARB the authority to set VMT reduction targets that will go

into each region's SCS without any type of public input process. OCTA recommends that the bill be amended to allow for greater public engagement from MPOs and subregional agencies, including regional transportation planning agencies, county transportation commissions, and councils of governments, in the development of VMT reduction targets. A more bottoms-up approach would allow for workshops or some other type of mechanism to facilitate input from local agencies on the types of technically achievable solutions to reduce VMT in specific communities across California. OCTA suggests a stakeholder workshop process with enough public meetings to ensure adequate input from the local leaders that are best-suited to speak to the needs of their communities.

OCTA is also concerned about the bill's definition of VMT, which does not specifically target a reduction in VMT that aligns with emission reduction requirements. Currently, the bill would include measurements of VMT that are required to maintain such things as goods movement, transit service, and other vital sectors that often help reduce GHG emissions. The section of the bill that defines how VMT will be measured should explicitly clarify that the VMT targets only apply to passenger automobiles and light trucks, as is the case with the GHG reduction targets. The VMT metric should also account for significant changes both in automobile markets, such as VMT by electric vehicles. The increased use of electric vehicles will affect VMT, but this technological shift will also reduce GHG. Another option, instead of requiring specific VMT reduction targets, would be for the development of a suite of best practices that MPOs can choose from to adopt as part of the RTP, thereby maintaining a bottoms-up approach. The development of best practices should be done in the same manner as suggested for the setting of VMT targets, with involvement from transportation agencies, MPOs, and other responsible entities.

Finally, SB 1363 would require that an SCS include identified funding sources, potentially turning the SCS into a financially-constrained process. OCTA would suggest clarifying this language to ensure adequate flexibility in allowing MPOs and subregions to best leverage public funds to meet the bill's GHG and VMT goals. Under normal circumstances, funding availability is an on-going challenge in delivering transportation and housing improvements. Unfortunately, the coronavirus pandemic will only exasperate these concerns. As such, OCTA would recommend allowing agencies to identify reasonably available future funds, even if the funds are not currently committed to the project or strategy. Another option would be to allow agencies to identify the level of committed funding as zero, provided that funding could reasonably become available in the future. For instance, OCTA could be allowed to identify competitive funding programs under SB 1 (Chapter 5, Statutes of 2017) to meet the funding requirement in the bill.

An OPPOSE UNLESS AMENDED position on SB 1363 is consistent with OCTA's 2019-2020 State Legislative Platform principle to "Oppose proposals that reduce the rights and responsibilities of county transportation commissions in planning, funding, and delivering transportation programs."

OCTA POSITION:

Staff recommends: OPPOSE UNLESS AMENDED

Introduced by Senator Allen

February 21, 2020

An act to amend Section 65080 of the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1363, as introduced, Allen. Regional transportation plans: sustainable communities strategies: greenhouse gas emissions and vehicle miles traveled reduction targets.

Existing law requires certain transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system. Existing law requires the State Air Resources Board, no later than September 30, 2010, to provide each affected region with greenhouse gas emission reduction targets for the automobile and light truck sector for 2020 and 2035, respectively. Existing law requires each regional transportation plan to include, among other things, a sustainable communities strategy that, among other things, sets forth a forecasted development pattern for the region, which, when integrated with the transportation network, and other transportation measures and policies, will reduce the greenhouse gas emissions from automobiles and light trucks to achieve, if there is a feasible way to do so, those greenhouse gas emission reduction targets approved by the state board.

This bill would also require the state board to provide, no later than December 31, 2022, each affected region with greenhouse gas emission reduction targets for the automobile and light truck sector for 2045 and 2050, and with vehicle miles traveled reduction targets for 2035, 2045, and 2050, and to release, no later than September 30, 2022, a draft of those targets, as specified.

Existing law encourages metropolitan planning organizations to work with the state board until the state board concludes that the technical methodology operates accurately.

This bill would instead require each metropolitan planning organization to work with the state board until the state board approves or rejects the accuracy of the technical methodology used to estimate the greenhouse gas emissions and vehicle miles traveled reductions in the metropolitan planning organization's sustainable communities strategy.

Existing law requires metropolitan planning organizations to submit their adopted sustainable communities strategies or alternative planning strategies, if any, to the state board for review.

This bill would require metropolitan planning organizations to additionally submit monitoring mechanisms, forecasted development patterns and transportation measures, policies supported by measurable local and regional commitments of funding, incentives technical assistance, education, collaborative planning actions, and drafts of their sustainable communities strategies to the state board, as specified.

This bill would require each city, county, and city and county to biennially report to its metropolitan planning organization on implementation of strategies included in the applicable sustainable communities strategy or alternative planning strategy, if any.

By establishing additional greenhouse gas emission and vehicle miles traveled reduction targets to be addressed in sustainable communities strategies, and by imposing additional obligations on local entities, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 65080 of the Government Code is
- 2 amended to read:

1 65080. (a) Each transportation planning agency designated
2 under Section 29532 or 29532.1 shall prepare and adopt a regional
3 transportation plan directed at achieving a coordinated and balanced
4 regional transportation system, including, but not limited to, mass
5 transportation, highway, railroad, maritime, bicycle, pedestrian,
6 goods movement, and aviation facilities and services. The plan
7 shall be action-oriented and pragmatic, considering both the
8 short-term and long-term future, and shall present clear, concise
9 policy guidance to local and state officials. The regional
10 transportation plan shall consider factors specified in Section 134
11 of Title 23 of the United States Code. Each transportation planning
12 agency shall consider and incorporate, as appropriate, the
13 transportation plans of cities, counties, districts, private
14 organizations, and state and federal agencies.

15 (b) The regional transportation plan shall be an internally
16 consistent document and shall include all of the following:

17 (1) A policy element that describes the transportation issues in
18 the region, identifies and quantifies regional needs, and describes
19 the desired short-range and long-range transportation goals, and
20 pragmatic objective and policy statements. The objective and policy
21 statements shall be consistent with the funding estimates of the
22 financial element. The policy element of transportation planning
23 agencies with populations that exceed 200,000 persons may
24 quantify a set of indicators including, but not limited to, all of the
25 following:

26 (A) Measures of mobility and traffic congestion, including, but
27 not limited to, daily vehicle hours of delay per capita and vehicle
28 miles traveled per capita.

29 (B) Measures of road and bridge maintenance and rehabilitation
30 needs, including, but not limited to, roadway pavement and bridge
31 conditions.

32 (C) Measures of means of travel, including, but not limited to,
33 percentage share of all trips (work and nonwork) made by all of
34 the following:

35 (i) Single occupant vehicle.

36 (ii) Multiple occupant vehicle or carpool.

37 (iii) Public transit including commuter rail and intercity rail.

38 (iv) Walking.

39 (v) Bicycling.

1 (D) Measures of safety and security, including, but not limited
2 to, total injuries and fatalities assigned to each of the modes set
3 forth in subparagraph (C).

4 (E) Measures of equity and accessibility, including, but not
5 limited to, percentage of the population served by frequent and
6 reliable public transit, with a breakdown by income bracket, and
7 percentage of all jobs accessible by frequent and reliable public
8 transit service, with a breakdown by income bracket.

9 (F) The requirements of this section may be met using existing
10 sources of information. No additional traffic counts, household
11 surveys, or other sources of data shall be required.

12 (2) A sustainable communities strategy prepared by each
13 metropolitan planning organization as follows:

14 (A) No later than September 30, 2010, the State Air Resources
15 Board shall provide each affected region with greenhouse gas
16 emission reduction targets for the automobile and light truck sector
17 for 2020 and 2035, respectively. *No later than December 31, 2022,*
18 *the state board shall provide each affected region with additional*
19 *greenhouse gas emission reduction targets for the automobile and*
20 *light truck sector for 2045 and 2050, respectively. No later than*
21 *December 31, 2022, the state board, in furtherance of achieving*
22 *the greenhouse gas emission reduction targets, shall provide each*
23 *affected region with vehicle miles traveled reduction targets for*
24 *2035, 2045, and 2050, respectively.*

25 (i) No later than January 31, 2009, the state board shall appoint
26 a Regional Targets Advisory Committee to recommend factors to
27 be considered and methodologies to be used for setting 2020 and
28 2035 greenhouse gas emission reduction targets for the affected
29 regions. The committee shall be composed of representatives of
30 the metropolitan planning organizations, affected air districts, the
31 League of California Cities, the California State Association of
32 Counties, local transportation agencies, and members of the public,
33 including homebuilders, environmental organizations, planning
34 organizations, environmental justice organizations, affordable
35 housing organizations, and others. The advisory committee shall
36 transmit a report with its recommendations to the state board no
37 later than September 30, 2009. In recommending factors to be
38 considered and methodologies to be used, the advisory committee
39 may consider any relevant issues, including, but not limited to,
40 data needs, modeling techniques, growth forecasts, the impacts of

1 regional jobs-housing balance on interregional travel and
2 greenhouse gas emissions, economic and demographic trends, the
3 magnitude of greenhouse gas reduction benefits from a variety of
4 land use and transportation strategies, and appropriate methods to
5 describe regional targets and to monitor performance in attaining
6 those targets. The state board shall consider the report before
7 setting the targets.

8 (ii) Before setting the *greenhouse gas emission and vehicle*
9 *miles traveled reduction* targets for a region, the state board shall
10 exchange technical information with the metropolitan planning
11 organization and the affected air district. The metropolitan planning
12 organization may recommend ~~a target~~ *targets* for the region. ~~The~~
13 *For purposes of setting the greenhouse gas emission reduction*
14 *targets for 2020 and 2035, the metropolitan planning organization*
15 *shall hold at least one public workshop within the region after*
16 *receipt of the report from the advisory committee. The state board*
17 *shall release draft greenhouse gas emission reduction targets for*
18 *2020 and 2035 for each region no later than June 30, 2010. 2010,*
19 *and for 2045 and 2050, no later than September 30, 2022. The*
20 *state board shall release draft vehicle miles traveled reduction*
21 *targets for 2035, 2045, and 2050 for each region no later than*
22 *September 30, 2022.*

23 (iii) In establishing these targets, the state board shall take into
24 account greenhouse gas emission *and vehicle miles traveled*
25 reductions that will be achieved by *measures approved or proposed*
26 *by state agencies to reduce greenhouse gas emissions and vehicle*
27 *miles traveled and achieved by* improved vehicle emission
28 standards, changes in fuel composition, and other measures it has
29 approved that will reduce greenhouse gas emissions *or vehicle*
30 *miles traveled* in the affected regions, and prospective measures
31 the state board plans to adopt to reduce greenhouse gas emissions
32 from other greenhouse gas emission sources as that term is defined
33 in subdivision (i) of Section 38505 of the Health and Safety Code
34 and consistent with the regulations promulgated pursuant to the
35 California Global Warming Solutions Act of 2006 (Division 25.5
36 (commencing with Section 38500) of the Health and Safety Code),
37 including Section 38566 of the Health and Safety Code.

38 (iv) The state board shall update the regional greenhouse gas
39 emission *and vehicle miles traveled* reduction targets every eight
40 years consistent with each metropolitan planning organization's

1 timeframe for updating its regional transportation plan under
2 federal law until 2050. The state board may revise the targets every
3 four years based on changes in the factors considered under clause
4 (iii). The state board shall exchange technical information with
5 the Department of Transportation, metropolitan planning
6 organizations, local governments, and affected air districts and
7 engage in a consultative process with public and private
8 stakeholders, before updating these targets.

9 (v) The greenhouse gas emission reduction targets may be
10 expressed in gross tons, tons per capita, tons per household, or in
11 any other metric deemed appropriate by the state board.

12 (vi) *The vehicle miles traveled reduction targets may be*
13 *expressed in miles per capita, percent reduction, or in any other*
14 *metric deemed appropriate by the state board.*

15 (B) Each metropolitan planning organization shall prepare a
16 sustainable communities strategy, subject to the requirements of
17 Part 450 of Title 23 of, and Part 93 of Title 40 of, the Code of
18 Federal Regulations, including the requirement to use the most
19 recent planning assumptions considering local general plans and
20 other factors. The sustainable communities strategy shall—~~(i)~~
21 ~~identify do all of the following:~~

22 (i) *Identify* the general location of uses, residential densities,
23 and building intensities within the ~~region~~, ~~(ii) identify region.~~

24 (ii) *Identify* areas within the region sufficient to house all the
25 population of the region, including all economic segments of the
26 population, over the course of the planning period of the regional
27 transportation plan taking into account net migration into the
28 region, population growth, household formation and employment
29 ~~growth~~, ~~(iii) identify growth.~~

30 (iii) *Identify* areas within the region sufficient to house an
31 eight-year projection of the regional housing need for the region
32 pursuant to Section ~~65584~~, ~~(iv) identify 65584.~~

33 (iv) *Identify* a transportation network to service the transportation
34 needs of the ~~region~~, ~~(v) gather region.~~

35 (v) *Gather* and consider the best practically available scientific
36 information regarding resource areas and farmland in the region
37 as defined in subdivisions (a) and (b) of Section ~~65080.01~~, ~~(vi)~~
38 ~~consider 65080.01.~~

39 (vi) *Consider* the state housing goals specified in Sections 65580
40 and ~~65581~~, ~~(vii) set 65581.~~

1 (vii) Set forth a forecasted development pattern for the region,
2 which, when integrated with the transportation network, and other
3 transportation measures and policies, will reduce the greenhouse
4 gas emissions *and vehicle miles traveled* from automobiles and
5 light trucks to achieve, if there is a feasible way to do so, the
6 greenhouse gas emission *and vehicle miles traveled* reduction
7 targets approved by the state ~~board~~, and ~~(viii) allow board~~.

8 (viii) Allow the regional transportation plan to comply with
9 Section 176 of the federal Clean Air Act (42 U.S.C. Sec. 7506).

10 (C) (i) Within the jurisdiction of the Metropolitan
11 Transportation Commission, as defined by Section 66502, the
12 Association of Bay Area Governments shall be responsible for
13 clauses (i), (ii), (iii), (v), and (vi) of subparagraph (B); the
14 Metropolitan Transportation Commission shall be responsible for
15 clauses (iv) and (viii) of subparagraph (B); and the Association of
16 Bay Area Governments and the Metropolitan Transportation
17 Commission shall jointly be responsible for clause (vii) of
18 subparagraph (B).

19 (ii) Within the jurisdiction of the Tahoe Regional Planning
20 Agency, as defined in Sections 66800 and 66801, the Tahoe
21 Metropolitan Planning Organization shall use the Regional Plan
22 for the Lake Tahoe Region as the sustainable ~~community~~
23 *communities* strategy, provided that it complies with clauses (vii)
24 and (viii) of subparagraph (B).

25 (D) In the region served by the Southern California Association
26 of Governments, a subregional council of governments and the
27 county transportation commission may work together to propose
28 the sustainable communities strategy and an alternative planning
29 strategy, if one is prepared pursuant to subparagraph (I), for that
30 subregional area. The metropolitan planning organization may
31 adopt a framework for a subregional sustainable communities
32 strategy or a subregional alternative planning strategy to address
33 the intraregional land use, transportation, economic, air quality,
34 and climate policy relationships. The metropolitan planning
35 organization shall include the subregional sustainable communities
36 strategy for that subregion in the regional sustainable communities
37 strategy to the extent consistent with this section and federal law
38 and approve the subregional alternative planning strategy, if one
39 is prepared pursuant to subparagraph (I), for that subregional area
40 to the extent consistent with this section. The metropolitan planning

1 organization shall develop overall guidelines, create public
2 participation plans pursuant to subparagraph (F), ensure
3 coordination, resolve conflicts, make sure that the overall plan
4 complies with applicable legal requirements, and adopt the plan
5 for the region.

6 (E) The metropolitan planning organization shall conduct at
7 least two informational meetings in each county within the region
8 for members of the board of supervisors and city councils on the
9 sustainable communities strategy and alternative planning strategy,
10 if any. The metropolitan planning organization may conduct only
11 one informational meeting if it is attended by representatives of
12 the county board of supervisors and city council members
13 representing a majority of the cities representing a majority of the
14 population in the incorporated areas of that county. Notice of the
15 meeting or meetings shall be sent to the clerk of the board of
16 supervisors and to each city clerk. The purpose of the meeting or
17 meetings shall be to discuss the sustainable communities strategy
18 and the alternative planning strategy, if any, including the key land
19 use and planning assumptions ~~to~~ *with* the members of the board
20 of supervisors and the city council members in that county and to
21 solicit and consider their input and recommendations.

22 (F) Each metropolitan planning organization shall adopt a public
23 participation plan, for development of the sustainable communities
24 strategy and an alternative planning strategy, if any, that includes
25 all of the following:

26 (i) Outreach efforts to encourage the active participation of a
27 broad range of stakeholder groups in the planning process,
28 consistent with the agency's adopted Federal Public Participation
29 Plan, including, but not limited to, affordable housing advocates,
30 transportation advocates, neighborhood and community groups,
31 environmental advocates, home builder representatives,
32 broad-based business organizations, landowners, commercial
33 property interests, and homeowner associations.

34 (ii) Consultation with congestion management agencies,
35 transportation agencies, and transportation commissions.

36 (iii) Workshops throughout the region to provide the public with
37 the information and tools necessary to provide a clear
38 understanding of the issues and policy choices. At least one
39 workshop shall be held in each county in the region. For counties
40 with a population greater than 500,000, at least three workshops

1 shall be held. Each workshop, to the extent practicable, shall
2 include urban simulation computer modeling to create visual
3 representations of the sustainable communities strategy and the
4 alternative planning strategy.

5 (iv) Preparation and circulation of a draft sustainable
6 communities strategy and an alternative planning strategy, if one
7 is prepared, not less than 55 days before adoption of a final regional
8 transportation plan.

9 (v) At least three public hearings on the draft sustainable
10 communities strategy in the regional transportation plan and
11 alternative planning strategy, if one is prepared. If the metropolitan
12 ~~transportation~~ *planning* organization consists of a single county,
13 at least two public hearings shall be held. To the maximum extent
14 feasible, the hearings shall be in different parts of the region to
15 maximize the opportunity for participation by members of the
16 public throughout the region.

17 (vi) A process for enabling members of the public to provide a
18 single request to receive notices, information, and updates.

19 (G) In preparing a sustainable communities strategy, the
20 metropolitan planning organization shall consider spheres of
21 influence that have been adopted by the local agency formation
22 commissions within its region.

23 (H) Before adopting a sustainable communities strategy, the
24 metropolitan planning organization shall quantify the ~~reduction~~
25 *reductions* in greenhouse gas emissions *and vehicle miles traveled*
26 projected to be achieved by the sustainable communities strategy
27 and set forth the difference, if any, between the amount of ~~that~~
28 ~~reduction~~ *those reductions* and the ~~target~~ *targets* for the region
29 established by the state board.

30 (I) If the sustainable communities strategy, prepared in
31 compliance with subparagraph (B) or (D), is unable to reduce
32 greenhouse gas emissions *and vehicle miles traveled* to achieve
33 the greenhouse gas emission *and vehicle miles traveled* reduction
34 targets established by the state board, the metropolitan planning
35 organization shall prepare an alternative planning strategy to the
36 sustainable communities strategy showing how those greenhouse
37 gas emission *and vehicle miles traveled reduction* targets would
38 be achieved through alternative development patterns,
39 infrastructure, or additional transportation measures or policies.
40 The alternative planning strategy shall be a separate document

1 from the regional transportation plan, but it may be adopted
2 concurrently with the regional transportation plan. In preparing
3 the alternative planning strategy, the metropolitan planning
4 organization:

5 (i) Shall identify the principal impediments to achieving the
6 targets within the sustainable communities strategy.

7 (ii) May include an alternative development pattern for the
8 region pursuant to subparagraphs (B) to (G), inclusive.

9 (iii) Shall describe how the greenhouse gas emission *and vehicle*
10 *miles traveled* reduction targets would be achieved by the
11 alternative planning strategy, and why the development pattern,
12 measures, and policies in the alternative planning strategy are the
13 most practicable choices for achievement of the greenhouse gas
14 emission *and vehicle miles traveled* reduction targets.

15 (iv) An alternative development pattern set forth in the
16 alternative planning strategy shall comply with Part 450 of Title
17 23 of, and Part 93 of Title 40 of, the Code of Federal Regulations,
18 except to the extent that compliance will prevent achievement of
19 the greenhouse gas emission *and vehicle miles traveled* reduction
20 targets approved by the state board.

21 (v) For purposes of the California Environmental Quality Act
22 (Division 13 (commencing with Section 21000) of the Public
23 Resources Code), an alternative planning strategy shall not
24 constitute a land use plan, policy, or regulation, and the
25 inconsistency of a project with an alternative planning strategy
26 shall not be a consideration in determining whether a project may
27 have an environmental effect.

28 (J) (i) Before starting the public participation process adopted
29 pursuant to subparagraph (F), the metropolitan planning
30 organization shall submit a description to the state board of the
31 technical methodology it intends to use to estimate the greenhouse
32 gas emissions *and vehicle miles traveled* from its sustainable
33 communities strategy and, if appropriate, its alternative planning
34 strategy. The state board shall respond to the metropolitan planning
35 organization in a timely manner with written comments about the
36 technical methodology, including specifically describing any
37 aspects of that methodology it concludes will not yield accurate
38 estimates of greenhouse gas ~~emissions~~, *emissions and vehicle miles*
39 *traveled*, and suggested remedies. The metropolitan planning
40 organization ~~is encouraged to~~ *shall* work with the state board until

1 the state board ~~concludes~~ *approves or rejects* that the technical
2 methodology operates accurately.

3 (ii) *At least 60 days before adopting a sustainable communities*
4 *strategy, a metropolitan planning organization shall submit a draft*
5 *sustainable communities strategy and monitoring mechanisms to*
6 *the state board. The metropolitan planning organization shall*
7 *submit with the draft sustainable communities strategy its*
8 *forecasted development pattern and transportation measures and*
9 *its policies supported by measurable local and regional*
10 *commitments of funding, incentives, technical assistance,*
11 *education, and collaborative planning actions.*

12 ~~(ii)~~

13 (iii) After adoption, a metropolitan planning organization shall
14 submit a sustainable communities strategy or an alternative
15 planning strategy, if one has been adopted, to the state board for
16 review, including the quantification of the greenhouse gas emission
17 *and vehicle miles traveled* reductions the strategy would achieve
18 and a description of the technical methodology used to obtain that
19 result. *The sustainable communities strategy or alternative*
20 *planning strategy, if one has been adopted, shall be submitted to*
21 *the state board within 60 days of adoption.* Review by the state
22 board shall be limited to acceptance or rejection of the metropolitan
23 planning organization's determination that the strategy submitted
24 would, if implemented, achieve the greenhouse gas emission *and*
25 *vehicle miles traveled* reduction targets established by the state
26 board. The state board shall complete its review within ~~60~~ 120
27 days.

28 ~~(iii)~~

29 (iv) If the state board determines that the strategy submitted
30 would not, if implemented, achieve the greenhouse gas emission
31 *and the vehicle miles traveled* reduction targets, the metropolitan
32 planning organization shall revise its strategy or adopt an
33 alternative planning strategy, if not previously adopted, and submit
34 the strategy for review pursuant to clause ~~(ii)~~ (iii). At a minimum,
35 the metropolitan planning organization must obtain state board
36 acceptance that an alternative planning strategy would, if
37 implemented, achieve the greenhouse gas emission *and vehicle*
38 *miles traveled* reduction targets established for that region by the
39 state board.

40 ~~(iv)~~

1 (v) On or before September 1, 2018, and every four years
2 thereafter to align with target setting, notwithstanding Section
3 10231.5, the state board shall prepare a report that assesses progress
4 made by each metropolitan planning organization in meeting the
5 regional greenhouse gas emission *and vehicle miles traveled*
6 reduction targets set by the state board. The report shall include
7 changes to greenhouse gas emissions *and vehicle miles traveled*
8 in each region and data-supported metrics for the strategies used
9 to meet the targets. The report shall also include a discussion of
10 best practices and the challenges faced by the metropolitan
11 planning organizations in meeting the targets, including the effect
12 of state policies and funding. The report shall be developed in
13 consultation with the metropolitan planning organizations and
14 affected stakeholders. The report shall be submitted to the
15 Assembly Committee on Transportation and the Assembly
16 Committee on Natural Resources, and to the Senate Committee
17 on Transportation, the Senate Committee on Housing, and the
18 Senate Committee on Environmental Quality.

19 (vi) *Each city, county, or city and county shall biennially report*
20 *to its metropolitan planning organization on implementation of*
21 *strategies included in the applicable sustainable communities*
22 *strategy, or alternative planning strategy, if any, which may include*
23 *any of the following metrics:*

24 (I) *The number of housing units constructed within one half-mile*
25 *of any of the following:*

26 (ia) *An existing major transit stop, as defined in Section 21064.3*
27 *of the Public Resources Code.*

28 (ib) *A planned major transit stop included in the applicable*
29 *regional transportation plan, sustainable communities strategy,*
30 *or alternative planning strategy, if any.*

31 (ic) *An existing high-quality transit corridor, as defined in*
32 *Section 21155 of the Public Resources Code.*

33 (id) *A planned high-quality transit corridor in the applicable*
34 *regional transportation plan, sustainable communities strategy,*
35 *or alternative planning strategy, if any.*

36 (II) *The number of housing units constructed in areas of the*
37 *city, county, or city and county that the sustainable communities*
38 *strategy or alternative planning strategy, if any, identifies as having*
39 *per capita vehicle miles traveled below the regional average and*
40 *at least 15 percent below the regional average.*

1 (K) Neither a sustainable communities strategy nor an alternative
2 planning strategy regulates the use of land, nor, except as provided
3 by subparagraph (J), shall either one be subject to any state
4 approval. Nothing in a sustainable communities strategy shall be
5 interpreted as superseding the exercise of the land use authority
6 of cities and counties within the region. Nothing in this section
7 shall be interpreted to limit the state board's authority under any
8 other law. Nothing in this section shall be interpreted to authorize
9 the abrogation of any vested right whether created by statute or
10 by common law. Nothing in this section shall require a city's or
11 county's land use policies and regulations, including its general
12 plan, to be consistent with the regional transportation plan or an
13 alternative planning strategy. Nothing in this section requires a
14 metropolitan planning organization to approve a sustainable
15 communities strategy that would be inconsistent with Part 450 of
16 Title 23 of, or Part 93 of Title 40 of, the Code of Federal
17 Regulations and any administrative guidance under those
18 regulations. Nothing in this section relieves a public or private
19 entity or any person from compliance with any other local, state,
20 or federal law.

21 (L) Nothing in this section requires projects programmed for
22 funding on or before December 31, 2011, to be subject to the
23 provisions of this paragraph if they (i) are contained in the 2007
24 or 2009 Federal Statewide Transportation Improvement Program,
25 (ii) are funded pursuant to the Highway Safety, Traffic Reduction,
26 Air Quality, and Port Security Bond Act of 2006 (Chapter 12.49
27 (commencing with Section 8879.20) of Division 1 of Title 2), or
28 (iii) were specifically listed in a ballot measure before December
29 31, 2008, approving a sales tax increase for transportation projects.
30 Nothing in this section shall require a transportation sales tax
31 authority to change the funding allocations approved by the voters
32 for categories of transportation projects in a sales tax measure
33 adopted before December 31, 2010. For purposes of this
34 subparagraph, a transportation sales tax authority is a district, as
35 defined in Section 7252 of the Revenue and Taxation Code, that
36 is authorized to impose a sales tax for transportation purposes.

37 (M) A metropolitan planning organization, or a regional
38 transportation planning agency not within a metropolitan planning
39 organization, that is required to adopt a regional transportation
40 plan not less than every five years, may elect to adopt the plan not

1 less than every four years. This election shall be made by the board
2 of directors of the metropolitan planning organization or regional
3 transportation planning agency no later than June 1, 2009, or
4 thereafter 54 months before the statutory deadline for the adoption
5 of housing elements for the local jurisdictions within the region,
6 after a public hearing at which comments are accepted from
7 members of the public and representatives of cities and counties
8 within the region covered by the metropolitan planning
9 organization or regional transportation planning agency. Notice
10 of the public hearing shall be given to the general public and by
11 mail to cities and counties within the region no later than 30 days
12 before the date of the public hearing. Notice of election shall be
13 promptly given to the Department of Housing and Community
14 Development. The metropolitan planning organization or the
15 regional transportation planning agency shall complete its next
16 regional transportation plan within three years of the notice of
17 election.

18 (N) Two or more of the metropolitan planning organizations
19 for Fresno County, Kern County, Kings County, Madera County,
20 Merced County, San Joaquin County, Stanislaus County, and
21 Tulare County may work together to develop and adopt
22 multiregional goals and policies that may address interregional
23 land use, transportation, economic, air quality, and climate
24 relationships. The participating metropolitan planning organizations
25 may also develop a multiregional sustainable communities strategy,
26 to the extent consistent with federal law, or an alternative planning
27 strategy for adoption by the metropolitan planning organizations.
28 Each participating metropolitan planning organization shall
29 consider any adopted multiregional goals and policies in the
30 development of a sustainable communities strategy and, if
31 applicable, an alternative planning strategy for its region.

32 (3) An action element that describes the programs and actions
33 necessary to implement the plan and assigns implementation
34 responsibilities. The action element may describe all transportation
35 projects proposed for development during the 20-year or greater
36 life of the plan. The action element shall consider congestion
37 management programming activities carried out within the region.

38 (4) (A) A financial element that summarizes the cost of plan
39 implementation constrained by a realistic projection of available
40 revenues. The financial element shall also contain

1 recommendations for allocation of funds. A county transportation
2 commission created pursuant to the County Transportation
3 Commissions Act (Division 12 (commencing with Section 130000)
4 of the Public Utilities Code) shall be responsible for recommending
5 projects to be funded with regional improvement funds, if the
6 project is consistent with the regional transportation plan. The first
7 five years of the financial element shall be based on the five-year
8 estimate of funds developed pursuant to Section 14524. The
9 financial element may recommend the development of specified
10 new sources of revenue, consistent with the policy element and
11 action element.

12 (B) The financial element of transportation planning agencies
13 with populations that exceed 200,000 persons may include a project
14 cost breakdown for all projects proposed for development during
15 the 20-year life of the plan that includes total expenditures and
16 related percentages of total expenditures for all of the following:

- 17 (i) State highway expansion.
- 18 (ii) State highway rehabilitation, maintenance, and operations.
- 19 (iii) Local road and street expansion.
- 20 (iv) Local road and street rehabilitation, maintenance, and
21 operation.
- 22 (v) Mass transit, commuter rail, and intercity rail expansion.
- 23 (vi) Mass transit, commuter rail, and intercity rail rehabilitation,
24 maintenance, and operations.
- 25 (vii) Pedestrian and bicycle facilities.
- 26 (viii) Environmental enhancements and mitigation.
- 27 (ix) Research and planning.
- 28 (x) Other categories.

29 (C) The metropolitan planning organization or county
30 transportation agency, whichever entity is appropriate, shall
31 consider financial incentives for cities and counties that have
32 resource areas or farmland, as defined in Section 65080.01, for
33 the purposes of, for example, transportation investments for the
34 preservation and safety of the city street or county road system
35 and farm-to-market and interconnectivity transportation needs.
36 The metropolitan planning organization or county transportation
37 agency, whichever entity is appropriate, shall also consider
38 financial assistance for counties to address countywide service
39 responsibilities in counties that contribute toward the greenhouse

1 gas emission *and vehicle miles traveled* reduction targets by
2 implementing policies for growth to occur within their cities.

3 (c) Each transportation planning agency may also include other
4 factors of local significance as an element of the regional
5 transportation plan, including, but not limited to, issues of mobility
6 for specific sectors of the community, including, but not limited
7 to, senior citizens.

8 (d) (1) Except as otherwise provided in this subdivision, each
9 transportation planning agency shall adopt and submit, every four
10 years, an updated regional transportation plan to the California
11 Transportation Commission and the Department of Transportation.
12 A transportation planning agency located in a federally designated
13 air quality attainment area or that does not contain an urbanized
14 area may at its option adopt and submit a regional transportation
15 plan every five years. When applicable, the plan shall be consistent
16 with federal planning and programming requirements and shall
17 conform to the regional transportation plan guidelines adopted by
18 the California Transportation Commission. Before adoption of the
19 regional transportation plan, a public hearing shall be held after
20 the giving of notice of the hearing by publication in the affected
21 county or counties pursuant to Section 6061.

22 (2) (A) Notwithstanding subdivisions (b) and (c), and paragraph
23 (1), inclusive, the regional transportation plan, sustainable
24 communities strategy, and environmental impact report adopted
25 by the San Diego Association of Governments on October 9, 2015,
26 shall remain in effect for all purposes, including for purposes of
27 consistency determinations and funding eligibility for the San
28 Diego Association of Governments and all other agencies relying
29 on those documents, until the San Diego Association of
30 Governments adopts its next update to its regional transportation
31 plan.

32 (B) The San Diego Association of Governments shall adopt and
33 submit its update to the 2015 regional transportation plan on or
34 before December 31, 2021.

35 (C) After the update described in subparagraph (B), the time
36 period for San Diego Association of Governments' updates to its
37 regional transportation plan shall be reset and shall be adopted and
38 submitted every four years.

39 (D) Notwithstanding clause (iv) of subparagraph (A) of
40 paragraph (2) of subdivision (b), the State Air Resources Board

1 shall not update the greenhouse gas emission reduction targets for
2 the region within the jurisdiction of the San Diego Association of
3 Governments before the adoption of the update to the regional
4 transportation plan pursuant to subparagraph (B).

5 (E) The update to the regional transportation plan adopted by
6 the San Diego Association of Governments on October 9, 2015,
7 which will be prepared and submitted to federal agencies for
8 purposes of compliance with federal laws applicable to regional
9 transportation plans and air quality conformity and which is due
10 in October 2019, shall not be considered a regional transportation
11 plan pursuant to this section and shall not constitute a project for
12 purposes of the California Environmental Quality Act (Division
13 13 (commencing with Section 21000) of the Public Resources
14 Code).

15 (F) In addition to meeting the other requirements to nominate
16 a project for funding through the Solutions for Congested Corridors
17 Program (Chapter 8.5 (commencing with Section 2390) of Division
18 3 of the Streets and Highways Code), the San Diego Association
19 of Governments, until December 31, 2021, shall only nominate
20 projects for funding through the Solutions for Congested Corridors
21 Program that are consistent with the eligibility requirements for
22 projects under any of the following programs:

23 (i) The Transit and Intercity Rail Capital Program (Part 2
24 (commencing with Section 75220) of Division 44 of the Public
25 Resources Code).

26 (ii) The Low Carbon Transit Operations Program (Part 3
27 (commencing with Section 75230) of Division 44 of the Public
28 Resources Code).

29 (iii) The Active Transportation Program (Chapter 8
30 (commencing with Section 2380) of Division 3 of the Streets and
31 Highways Code).

32 (G) Commencing January 1, 2020, and every two years
33 thereafter, the San Diego Association of Governments shall begin
34 developing an implementation report that tracks the implementation
35 of its most recently adopted sustainable communities strategy. The
36 report shall discuss the status of the implementation of the strategy
37 at the regional and local level, and any successes and barriers that
38 have occurred since the last report. The San Diego Association of
39 Governments shall submit the implementation report to the state
40 board by including it in its sustainable communities strategy

1 implementation review pursuant to clause ~~(ii)~~ (iii) of subparagraph
2 (J) of paragraph (2) of subdivision (b).

3 SEC. 2. If the Commission on State Mandates determines that
4 this act contains costs mandated by the state, reimbursement to
5 local agencies and school districts for those costs shall be made
6 pursuant to Part 7 (commencing with Section 17500) of Division
7 4 of Title 2 of the Government Code.